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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,583	01/14/2004	John Christopher Deak	8483MC	4518

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THE PROCTER & GAMBLE COMPANY
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EXAMINER	
BOYER, CHARLES I	

ART UNIT	PAPER NUMBER
1751	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

UD

Office Action Summary	Application No.	Applicant(s)	
	10/757,583	DEAK ET AL	
	Examiner	Art Unit	
	Charles I. Boyer	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 5-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, and 5-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to applicants' amendment and response received December 7, 2004. Claims 1, 2, and 5-20 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. The rejection of claims 1, 2, 4-9, 13, and 18-20 under 35 U.S.C. 102(b) as being anticipated by Durr et al, US 3,692,467 is withdrawn in view of applicants' amendment and response.

Claims 1, 2, 5-16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Berndt et al, US 6,063,135.

Berndt et al teach a method for dry cleaning articles (see abstract). An example of such a process contacts an article with a composition comprising decamethylcyclopentasiloxane solvent, detergents, and stabilizers. During the cleaning process, the composition is continuously recycled by removing the solvent and passing it through a filter containing carbon or diatomaceous earth. After cleaning, the solvent is removed by centrifugation and heating, any resulting vapor is condensed for reuse. The used solvent is purified by vacuum distillation, resulting in pure water and pure solvent which is ready for reuse (col. 8, steps 1-7). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. The examiner acknowledges that water is not specifically added as a component of the dry cleaning composition. However, as the detergent is added to remove water soluble soils (col. 3, lines 29-30), the examiner maintains the detergents and other additives are aqueous based. This position is strengthened by the fact that the products resulting from the distillation process are pure water and solvent (col. 9, lines 46-51).

Applicants have traversed this rejection on the grounds that Berndt teaches only a vacuum distillation step after the contaminated silicone solvent has been separated from the fabric articles. However, in the presently claimed process, after the emulsion is separated from the fabrics, there are three additional treating steps, including pre-treating the lipophilic fluid from the emulsion, recovering the lipophilic fluid, then purifying the lipophilic fluid.

The examiner maintains that the filtering of the solvent satisfies the pretreating step. Though fluid is filtered throughout the process, it must be filtered at the end of the

cycle as well, i.e. after the fluid is removed from the fabric. The heating of the fluid will result in at least some fluid/water separation, satisfying the recovering step of the present claims, and the vacuum distillation satisfies the purifying step. Accordingly, the rejection is maintained.

1. Claims 1, 2, 5-7, 9-13, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy, US 6,313,079.

Murphy teaches a heterocyclic dry cleaning surfactant and method for using (see abstract). The dry cleaning compositions contain carbon dioxide gas, water and cyclic siloxane (col. 7, claims 1, 3, and 8). An example of such a composition comprises a quaternary ammonium softener, octamethylcyclopentasiloxane solvent, and water (col. 8, example IV). These dry cleaning compositions are used in standard dry cleaning machines wherein the solvent is passed continuously through a filter, then vaporized, condensed, and sent to a water separator (col. 4, lines 56-67 and Hagiwara et al, US 4,712,392, col. 1, lines 22-68). It would appear that a standard dry cleaning apparatus will incorporate all of the process steps presently claimed. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have traversed this rejection on the grounds that Murphy teaches only a water separator step after the contaminated silicone solvent has been separated from the fabric articles. However, in the presently claimed process, after the emulsion is separated from the fabrics, there are three additional treating steps, including pre-

treating the lipophilic fluid from the emulsion, recovering the lipophilic fluid, then purifying the lipophilic fluid.

The examiner maintains that the filtering of the solvent satisfies the pretreating step. Though fluid is filtered throughout the process, it must be filtered at the end of the cycle as well, i.e. after the fluid is removed from the fabric. The heating of the fluid will result in at least some fluid/water separation, satisfying the recovering step of the present claims, and the water separator satisfies the purifying step. Accordingly, the rejection is maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, and 5-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgour et al, US 6,310,029 in view of Hagiwara et al, US 4,712,392.

Kilgour et al teach a siloxane-based dry cleaning composition (see abstract). An example of such a process contacts at least a portion of an article with a composition comprising decamethylcyclopentasiloxane solvent, water, and additional siloxane solvent and removing the solvent by blotting or centrifugation (col. 7, example 63 and col. 10, claims 1-10). Kilgour et al do not teach the specific process steps of the present

claims, however, as the compositions of the invention are used in a standard dry cleaning apparatus, and such apparatuses are well known in the art as containing a filter, vaporizer, condenser, and water separator (col. 1, lines 22-68 of Hagiwara et al), the examiner maintains the claim limitations are satisfied.

Applicants have traversed this rejection for the same reasons set forth in Murphy and the examiner's reply is the same.

2. Claims 1, 2, and 5-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgour et al, US 6,310,029 in view of Durr et al, US 3,692,467.

Kilgour et al are relied upon as set forth above. Durr et al teach textile treating processes containing water and solvent (see abstract). Water, dye, an emulsifier, and perchloroethylene are added to a washing machine (step a), after rinsing, the mixture is drained and the fabrics are spun (step b), and the solvent and water are separated via vaporizing the emulsion, condensing the emulsion, then a separating means which includes a coalescer containing charcoal or fiberglass fibers as a coalescer material (steps c, d, and e) (col. 4, example and claim 1). Durr et al do not teach the lipophilic fluids presently claimed, but are relied upon to demonstrate that standard dry cleaning apparatuses incorporate all of the process steps presently claimed. It would have been obvious to one of ordinary skill in the art to use the composition of Kilgour et al in a standard dry cleaning apparatus taught by Durr et al and so meet all material limitations of the claims at hand.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles I Boyer
Primary Examiner
Art Unit 1751